

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In re Applications of:)	
)	WT Dkt. No. 00-81
SBC Communications Inc. and)	
BellSouth Corporation)	
)	
For Waiver of)	
47 C.F.R. § 1.948(c)(1)(iii) and (c))	

ORDER

Adopted: June 16, 2000

Released: June 19, 2000

By the Deputy Chief, Commercial Wireless Division, Wireless Telecommunications Bureau:

1. This Order grants a Petition for Waiver (“Petition”) of sections 1.948(c)(1)(iii) and (d) of the Commission’s rules,¹ filed by SBC Communications Inc. and BellSouth Corporation (“Applicants”) on May 9, 2000.² Specifically, the Applicants seek a waiver of the thirty-day notification requirement for *pro forma* transfers of control. For the reasons discussed below, we grant the Petition.

2. On May 4, 2000, applications were filed with the Commission to transfer more than 2300 wireless licenses held by the Applicants to a new jointly controlled limited liability company (“LLC”) (“main transaction”). These applications were placed on public notice on May 19, 2000.³ To facilitate the creation of this new LLC, the Applicants anticipate converting certain subsidiary corporations holding or controlling FCC licenses into LLCs (“secondary transactions”). Although the secondary transactions are *pro forma* in nature, Applicants are required to notify the FCC within thirty (30) days of the consummations of those transactions, pursuant to Sections 1.948(c)(1)(iii) and (d) of the Commission’s rules. In their Petition, Applicants request a waiver so that the required notifications concerning secondary transactions can be made 30 days after closing the main transaction, rather than 30 days after the secondary transactions.⁴ We note that in their Petition, the Applicants do not seek a waiver of filing fees and agree to remit the necessary payment for processing of these *pro forma* notifications.⁵

3. We determine that a grant of this waiver is in the public interest. If the waiver were not granted, the Applicants would be required to notify the Commission, *seriatim*, of

¹ 47 C.F.R. §§ 1.948(c)(1)(iii) and (d).

² See Letter from Patrick Grant, Esq. and Philip Horton, Esq. of Arnold & Porter and L. Andrew Tollin, Esq. and Robert G. Kirk, Esq. of Wilkinson, Barker, Knauer LLP to Magalie Roman Salas, Secretary, Federal Communications Commission (dated May 9, 2000).

³ See Public Notice, *SBC Communications Inc. and BellSouth Corporation Seek FCC Consent to Transfer Control of, or Assign, Licenses to Joint Venture*, DA 00-1120 (rel. May 19, 2000).

⁴ Petition at 1.

⁵ *Id.* at 2.

numerous *pro forma* changes made during the pendency of the main transaction. Such a requirement would be unduly burdensome⁶ to the Applicants and a waiver also “would significantly minimize the burden on the Commission’s database administration and record keeping staff”⁷ while still affording the Commission and the public timely notice of the reorganizations undertaken. Therefore, we grant the Petition.

4. Accordingly, IT IS ORDERED that, pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), and sections 0.331 and 1.925 of the Commission’s Rules, 47 C.F.R. §§ 0.331 and 1.925, the Petition for Waiver filed on May 9, 2000, by SBC Communications Inc. and BellSouth Corporation IS GRANTED.

FEDERAL COMMUNICATIONS COMMISSION

William Kunze
Deputy Chief, Commercial Wireless Division
Wireless Telecommunications Bureau

⁶ See 47 C.F.R. § 1.925(b)(3)(ii).

⁷ See Memorandum Opinion and Order, *Applications of Vodafone AirTouch, Plc and Bell Atlantic Corporation*, DA 00-721, ¶ 7, n. 8 (WTB/IB rel. Mar. 30, 2000).